

Applicants: Douglas J. M. Allen et al.
Serial No.: 10/716,098
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Remarks

Claims 13, 16-23 and 25-28 are pending in the subject application. Applicants make no amendments to the claims.

Double Patenting

On page 3 of the February 11, 2008 Office Action, the Examiner rejected claims 13, 16-23 and 25-28 on the ground of nonstatutory obviousness-type double patenting alleging that claims 13, 16-23 and 25-28 of the subject application are unpatentable over claims 1, 2, 6-9 of U.S. Patent No. 6,706,721 B1.

In response, Applicants note that a Terminal Disclaimer has been filed over U.S. Patent No. 6,706,721 B1 in Applicants' April 10, 2007 Response.

During a March 14, 2008 telephone conference between Examiner Tamthom Truong and Mr. Michael Lin of Cooper & Dunham LLP, the parties discussed the nonstatutory double-patenting rejection over U.S. Patent No. 6,706,721 set forth in the February 11, 2008 Office Action in connection with the subject application. Mr. Lin pointed out to Examiner Truong that a Terminal Disclaimer has already been filed over the U.S. Patent No. 6,706,721 in the subject application with Applicants' April 10, 2007 Response. Examiner Truong agreed to look into the matter and to respond to Mr. Lin on March 17, 2008.

On March 17, 2008, Examiner Truong left a message for Mr. Lin stating that a Terminal Disclaimer over U.S. Patent No. 6,706,721 was indeed filed in the subject application and it